

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LYNN ZELVIN, *on behalf of himself and all others* :
similarly situated, :
:

Plaintiff, :

24-CV-3828 (JMF)

-v- :

ORDER

UP NYC, LLC, :

Defendant. :
:
-----X

JESSE M. FURMAN, United States District Judge:

Defendant in this action appears to be in default. Plaintiff shall file any motion for default judgment, in accordance with the Court's Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>), **within two weeks of the date of this Order.**¹ Plaintiff should familiarize himself with Local Civil Rules 55.1 and 55.2, which, along with Rule 55 of the Federal Rules of Civil Procedure and Rule 4(J) of the Court's Individual Rules, govern default judgment motion practice before this Court. Per Local Civil Rule 55.2, a party seeking default judgment must append to the motion a Clerk's Certificate of Default, which may be obtained by following the procedure described in Local Civil Rule 55.1. To be clear: Plaintiff must file his **motion** for default judgment, *not* merely his request for a Clerk's Certificate of Default, by the above deadline.

If Plaintiff's counsel submits calculations in support of any motion for default judgment, Plaintiff's counsel shall also email native versions of the files with the calculations (i.e., versions of the files in their original format, such as in ".xlsx") to Chambers at [Furman](#).

¹ Although the Court referred this case to the assigned Magistrate Judge for General Pretrial Purposes, that reference does not include case-dispositive motions. Accordingly, unless and until the Court orders otherwise, the undersigned will resolve any motion for default judgment.

NYSDChambers@nysd.uscourts.gov. If or when a motion for default judgment is filed, the Court will enter a further Order setting a deadline for any opposition and reply and scheduling a show cause hearing. If no motion for default judgment is filed by the deadline set forth above, the case may be dismissed for failure to prosecute without further notice to the parties.

Plaintiff shall serve a copy of this Order electronically and/or by first-class mail on Defendant **within two business days from the date of this Order** and shall file proof of such service **within three business days of the date of this Order**.

SO ORDERED.

Dated: August 13, 2024
New York, New York



JESSE M. FURMAN
United States District Judge